IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WA.No. 1447 of 2007()

AGAINST THE JUDGEMENT IN WPC.9336/2004 Dated 06/03/2007
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APPELLANT: PETITIONER

DRIVERSUNION K.T.U.C.(M), UZHAVOOR
REPRESENTED BY ITS PRESIDENT, SIMON
PARAPPANATTU HOUSE, VELIYANNOOR P.O.,
AREEKARA, KOTTAYAM DIST.

BY ADV. SRI.MATHEW ABRAHAM
SRI.K.K.SABU

RESPONDENTS: RESPONDENTS
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1. THE SECRETARY,
UZHAVOOR GRAMA PANCHAYATH, UZHAVOOR.

2. SUB INSPECTOR OF POLICE,
KURAVILANGAD POLICE STATION,
KOTTAYAM DISTRICT.

3. JOHN JOSEPH, PERUMBEL HOUSE, AREEKKARA,
VELIYANOOR P.O., KOTTAYAM DISTRICT.

4. JOSE V.A., VAZHAMALAYIL HOUSE, PIRAVOM.P.O.

R2 BY SR.GOVERNMENT PLEADER SMT.MEERA
BY ADV. SRI.JULIAN XAVIER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.1447 of 2007

Dated, this the 21st day of June, 2007

JUDGMENT

H.L.Dattu, C.J.

This appeal arises out of an order passed by the learned Single Judge in O.P.No.9336 of 2004 dated 6th March, 2007. By the impugned order the learned Single Judge has rejected the writ petition and has also imposed cost of Rs.5000/- payable by the petitioner to respondents 3 and 4.

2. The petitioner is an organization of taxi operators. They were before this Court for a direction to the second respondent in the writ petition, namely the Sub Inspector of Police, Kuravilangad Police Station, Kottayam District, not to prohibit parking of taxi vehicles at the place allotted by Ext.P2.

3. Ext.P2 is a guideline prepared by one Prof. Joseph George Kanattu in the month of August, 2003. The said exhibit has no statutory force at all. In spite of that, the petitioner thought it fit to move this Court seeking a direction to the Sub Inspector of Police to follow what has been said in Ext.P2. Keeping all these aspects of the matter in view, the learned Single Judge, in our opinion, has rightly rejected the writ petition and while doing so, has imposed cost of Rs.5000/-.

4. The cost part of it, in our opinion, can be deleted for the reason that the petitioner is an organization of taxi operators and if they are mulcted with payment of costs, it may be difficult for them to dole out the amount from their pockets. Therefore, while rejecting the writ appeal, we delete the direction issued by the learned Single Judge for payment of cost of Rs.5000/- to

respondents 3 and 4. Ordered accordingly.

5. In view of the order passed in the writ appeal, the relief sought in I.A.No.511 of 2007 need not be considered by this Court. Accordingly, the said I.A. is also rejected.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns